

STATE OF SOUTH CAROLINA  
*State Budget and Control Board*  
OFFICE OF HUMAN RESOURCES

MARK SANFORD, CHAIRMAN  
GOVERNOR

GRADY L. PATTERSON, JR.  
STATE TREASURER

RICHARD ECKSTROM  
COMPTROLLER GENERAL



HUGH K. LEATHERMAN, SR.  
CHAIRMAN, SENATE FINANCE COMMITTEE

DANIEL T. "DAN" COOPER  
CHAIRMAN, WAYS AND MEANS COMMITTEE

FRANK W. FUSCO  
EXECUTIVE DIRECTOR

1201 MAIN STREET, SUITE 800  
COLUMBIA, SOUTH CAROLINA 29201  
(803) 737-0900

SAMUEL L. WILKINS  
DIRECTOR

**MEMORANDUM**

To: Agency Heads and Human Resources Directors of all Agencies, Departments, Institutions of Higher Education, Boards and Commissions

From: Samuel L. Wilkins, Director  
Office of Human Resources

Subject: State Employee Grievance Procedure Act

Date: June 26, 2006

The State Employee Grievance Procedure Act (Act) currently provides that decisions made by the State Employee Grievance Committee (Committee) may be appealed to the Court of Common Pleas by either the covered employee or the agency. The Act specifies, however, that agencies wishing to appeal a Committee decision to the Court of Common Pleas, receive Budget and Control Board approval before proceeding to court.

During this last legislative session, the General Assembly enacted Act No. 387 which amended Section 8-17-340(F) of the State Employee Grievance Procedure Act to modify the judicial review process. Effective **July 1, 2006**, appeals of Committee decisions are to be heard by the Administrative Law Court in lieu of the Court of Common Pleas. Agencies are still required, however, to obtain approval by the Budget and Control Board before perfecting an appeal with the Administrative Law Court. You may review the changes by doing a "Quick Search" for Bill Number 3285 at the following link: [www.scstatehouse.net](http://www.scstatehouse.net). The intent of this legislative change is not restricted to Committee decisions, but also applies to final decisions on subject matter jurisdiction by the State Human Resources Director and decisions made by Arbitrators in accordance with the Act. Therefore, denials of appeals to the State Human Resources Director and final decisions by Arbitrators will also be appealed to the Administrative Law Court instead of the Court of Common Pleas.

The Office of Human Resources will request approval from the Budget and Control Board to amend the State Human Resources Regulations to comport with the recent legislative changes.

If you have any questions regarding this legislative change to the Act, please contact your Human Resources Consultant at (803) 737-0900.

FAX  
(803) 737-0968